IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-12-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.20347 of 1999

A.Swaminathan .. Petitioner

Versus

1. The District Collector
   Kanyakumari District
   at Nagercoil

2. The Superintendent of Police
   Kanyakumari District
   at Nagercoil

3. The Deputy Superintendent of Police
   Kanyakumari, Kanyakumari District

4. The Deputy Superintendent of Police
   Prohibition and Exforcement
   Nagercoil
   Kanyakumari District

5. Inspector of Police
   South Thamaraikulam Police Station
   South Thamaraikulam
   Kanyakumari District

6. Assistant Excise commissioner
   Nagercoil, Kanyakumari District .. Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to forbear from interfering with the petitioner's business being run under the name "M/s.Vijay Ayurveda Pharmacy" at No.18/31A, Thenkaikaran Kudi Iruppu, Agastheeswaram, Kanyakumari District, pursuant to licence issued in Form 25-D, under Rule 154 of Drugs and Cosmetic Rule 1945, otherwise than by due process of law.

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For petitioner : Mrs.Hemalatha

For respondents : Mr.D.Srinivasan
Additional Government Pleader

O R D E R

Heard Mrs.Hemalatha, the learned counsel appearing for the petitioner and Mr.D.Srinivasan, the learned Additional Government Pleader appearing for the respondents.

2. It is stated that the petitioner is the proprietor of M/s.Vijay Ayurveda Pharmacy, Thenkaikaran Kudi Iruppu, Agastheeswaram, Kanyakumari District. The petitioner has been issued with a licence to manufacture Ayurvedic drugs intended for sale. The licence has been issued in Form 25-D, under Rule 154 of The Drugs and Cosmetics Rules, 1945. The licence is valid for the period from 2.8.1999 to 31.12.2000.

3. It is further stated that the fifth respondent had inspected the petitioner's shop on 14.12.1999 and had threatened to close it without stating any reason for his action. Similarly, the other respondents have also issued similar threats to the petitioner. Since the licence has been issued to the petitioner by the Competent Authority, namely, the Drugs Controller, Chennai, after satisfying all the requirements prescribed by law, the respondents have no right or jurisdiction to interfere with the rights of the petitioner in running the business as per the licence issued in his favour.

4. It is further stated that it is open to the respondents to cancel or suspend the licence in accordance with Rule 159 of The Drugs and Cosmetic Rules, 1945, in case of violation of the terms and conditions prescribed for the grant of licence. While so, it is not open to the respondents to illegally interfere with the business of the petitioner without any valid reason. In such circumstances, the petitioner had preferred the present writ petition before this Court, invoking under Article 226 of the Constitution of India.

5. The only contention of the learned counsel appearing for the petitioner is that the respondents are attempting to illegally interfere with the petitioner's business being run under the name of M/s.Vijay Ayurveda Pharmacy in accordance with the licence granted to the petitioner for the period from 2.8.1999 to 31.12.2000. However, the learned counsel appearing for the petitioner is not in a position to say as to whether the said licence granted to him earlier has been renewed and is still valid.

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6. The learned counsel appearing for the respondents had submitted that any action that would be initiated against the petitioner would only be in accordance with the procedures prescribed by law. Therefore, the claims made by the petitioner are based on a mere apprehension and they are without any substance and they have no merit.

7. Recording the said submission made by the learned counsel appearing for the respondents, the writ petition is dismissed as no further orders are required. No costs. Consequently, connected W.M.P.No.29902 of 1999 is dismissed.

Lan

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To:

1. The District Collector
   Kanyakumari District
   at Nagercoil

2. The Superintendent of Police
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   Kanyakumari District

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   Nagercoil, Kanyakumari District

1 cc to the Government Pleader, sr.74624

sr (co)

dv/3.1.

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